

RUMSON ZONING BOARD
JANUARY 19, 2021
MINUTES

The regularly scheduled virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of Mr. Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mr. Torcivia, Mrs. McGill, Mr. Izzo (arrived prior to the Fernandez application)
Absent: None

Also present, Bernard Reilly, Esq., Fred Andre', Zoning Officer and Eric Paone Hurd, Moderator.

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre', the Borough Zoning Officer was sworn in.

At this time the annual reorganization of the Zoning Board is conducted in the following manner:

Mr. Trocivia nominated Mr. Brodsky to the Chairman position of the 2021 Zoning Board; Seconded by Mr. Blum.

Roll call vote:

Ayes: Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias

Nays: None

Abstain: Mr. Brodsky, Mrs. McGill

Mr. Shissias nominated Mr. Torcivia to the Vice Chairman position of the 2021 Zoning Board; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias

Nays: None

Abstain: Mr. Torcivia, Mrs. McGill

Mrs. Kirkpatrick made a Motion to approve the Resolution appointing Bernard Reilly, Esquire as the 2021 Board Attorney; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brosky, Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias

Nays: None

Abstain: Mrs. McGill

Mr. Torcivia made a Motion to approve the Resolution appointing T&M Associates as the 2021 Board Engineering firm; Seconded by Mr. Hofferber.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias

Nays: None

Abstain: Mrs. McGill

Chairman Brodsky announced that the continued application of **Rafael and Daria Rivera** for property located at **155 Ridge Road** be presented for the Board's consideration. F. Bradford Batcha, Esquire representing the applicants addressed the Board. Mr. Batcha advised the Board that after hearing the concerns expressed at the December 15th meeting, the application has been revised to show that the RV would be located on the eastern side of the residence in the existing driveway.

Mr. Batcha introduced Christopher Albanese. Mr. Albanese residing at 151 Ridge Road was sworn in. Mr. Albanese stated that he has reviewed the location of the RV and has no objection to the revised plans contingent upon a landscape buffer be provided. Rafael Rivera, the applicant, stated that he was amenable to installing a row of arborvitae along the east and south side to provide screening and the west side of property will remain as is.

Chairman Brodsky opened the application for public questions and/or comments. There being none, the public questions and/or comments portion was closed.

Chairman Brodsky asked the pleasure of the Board. Mr. Shissias made a motion to approve the revised application; Seconded by Mr. Hofferber. Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill

Nays: None

Abstain: Mr. Torcivia

Mr. Reilly announced that the application of **Brad and Katie Weber** for property located at **78 Bingham Avenue** will be **carried to the February 16, 2021 virtual meeting with notice being required.**

Mr. Izzo joined the meeting.

Chairman Brodsky announced that the application of **Donna Fernandez** for property located at **45 Washington Street** be presented for the Board's consideration.

Mr. Shissias recused himself from hearing the application.

Dante M. Alfieri, Esquire from the Cleary, Giacobbe, Alfieri, Jacobs law firm, representing the applicant addressed the Board. Mr. Alfieri stated that the application is to raze the existing residence and shed and construct a new single-family residence and detached garage at the premises. Mr. Alfieri introduced Jeff Fernandez, the property owner. Mr. Fernandez was sworn in.

Mr. Alfieri introduced Alec Shissias, a New Jersey licensed architect. Mr. Shissias was sworn in and the Board accepted his credentials. Mr. Shissias described the existing conditions at the property and explained the rationale for the application. Mr. Shissias described the floor plans of the new residence and the architectural details proposed. The attic will be unfinished and intended for storage. Mr. Shissias testified

that the 4,454 square foot lot is undersized for the R-5 Zone and the proposal is comparable with other homes in the neighborhood. The existing Holly tree in the front left corner of the property is intended to be preserved.

Mr. Alfieri introduced Christine Nazzaro Cofone, a New Jersey licensed planner. Ms. Cofone was sworn in and the Board accepted her credentials. Ms. Cofone stated that she is also an adjacent neighbor to the subject property.

Ms. Cofone testified that the property is presently nonconforming in minimum lot area, minimum lot width and frontage and interior lot shape. Six of the variances being requested are related to the existing nonconforming conditions at the property. There is no remedy to cure the existing undersized lot. The new construction will create nonconformities in building front setback, porch front setback, minimum side setback, rear setback, accessory building side and rear setback, maximum building coverage and maximum floor area. Ms. Cofone reviewed the criteria under which the variances can be granted without any substantial detriment to the public good, zone plan or zoning ordinances. Ms. Cofone recommended that the row of existing evergreens on the southern property line be extended to provide privacy between the properties. The benefits of granting the variances outweigh any detriments.

William Brooks, forester for the Borough of Rumson, was sworn in. Mr. Brooks stated that the American Holly tree on the property is over 100 years old and exceeds the Borough's definition of significant specimen trees and precautions need to be taken to preserve it. A tree preservation plan needs to be submitted, reviewed and approved.

Chairman Brodsky opened the application for public questions and/or comments. Steve Wondrasch residing at 44 Bingham Avenue was sworn in. Mr. Wondrasch questioned the height of the proposed detached garage. Mr. Shissias stated that the garage will be 15 feet to the ridge with an eight-foot garage door.

There being no further public questions and/or comments, the public portion was closed.

Board Members expressed concern with the maximum building coverage and floor area. Mr. Alfieri requested that application be carried to the next available meeting to allow the applicants to revisit the proposal. Mr. Reilly announced that the application will be carried to February 16, 2021 at 7:30 pm without further notice being required.

Mr. Shissias resumes his seat on the dais.

Chairman Brodsky announced that the application of **Kevin Chieff** for property located at **13 Bay Street** be presented for the Board's consideration. Kevin Chieff, the property owner was sworn in. Mr. Chieff stated that the proposal is to construct a new one-story rear addition at the existing premises. Mr. Chieff introduced Matthew Cronin, a New Jersey licensed architect. Mr. Cronin was sworn in and the Board accepted his credentials.

Mr. Cronin stated that the proposal is for a modest 324 square foot addition to the rear of the existing one-story residence. The addition is to add a master bathroom, laundry room and walk-in closet to enhance the master bedroom. The residence is currently nonconforming in building front setback and minimum side setback. The new construction will create nonconformities in rear setback and maximum building coverage. The application will not exacerbate the existing conditions.

Chairman Brodsky opened the application for public questions and/or comments. There being none, the public portion was closed.

Chairman Brodsky asked the pleasure of the Board. Mrs. Kirkpatrick made a motion to approve the application as presented; Seconded by Mr. Hofferber.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill, Mr. Izzo

Nays: None

Mr. Reilly submitted a Resolution approving the revised application of Rafael and Daria Rivera for property located at 155 Ridge Road, Block 84, Lot 21. After review and discussion, Mr. Hofferber made a motion to approve the resolutions as submitted; Seconded by Mrs. Kirkpatrick.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill

Nays: None

Abstain: Mr. Torcivia, Mr. Izzo

Mr. Reilly submitted a Resolutions approving the applications of Michael and Megan Farina for property located at 24 Second Street, Block 25, Lot 13; Russell and Teddi Smith for property located at 16 North Ward Avenue, Block 77, Lot 5; Katherine Thompson for property located at 145 Blackpoint Road, Block 71, Lot 5. After review and discussion, Mr. Shissias made a motion to approve the resolutions as submitted; Seconded by Mrs. McGill.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill, Mr. Izzo

Nays: None

Abstain: Mr. Torcivia

Chairman Brodsky asked for comments on the December 15, 2020 Zoning Board Minutes. Mrs. Kirkpatrick made a Motion to approve the Minutes as submitted; Seconded by Mrs. Carras. By voice vote the December 15, 2020 Minutes were approved with Mr. Torcivia abstaining from the vote.

There being no further business before the Board, the meeting was adjourned at approximately 9:40 p.m.

The next scheduled meeting will be **February 16, 2021** at 7:30 p.m.

Respectfully submitted,

Michele MacPherson

